IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

8TH DAY OF MARCH 2007/17TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 1048 of 2007()

CMP.1137/2007 IN S.T.C.1537/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, KANNUR

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REVN. PETITIONER: PETITIONER/ACCUSED

MRS.M.ZEENATH, D/O.T.P.MOHAMMED HAJI,
HOUSE WIFE, KADEEJA MANZIL, P.O.CHELAD,
RESIDING AT EXPRESS ESTATE, KALOOR, ERNAKULAM.

BY ADV. SRI.K.MUHAMMED SALAHUDHEEN

RESPONDENTS: COMPLAINANT

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1. T.P.ABBAS, S/O.MOIDEEN KUNHI,
MUTTOM P.O., VENGARA, KANNUR.

2. STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR MR. C.M. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 8-3-2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.1048 of 2007

DATED THIS THE 8th March 2007

ORDER

The revision petitioner, who is the accused in S.T.C.No.1537/2006 in the Court of the Judicial First Class Magistrate-I, Kannur with respect to the proceedings under Section 138 of the Negotiable Instruments Act, has sought for setting aside the order of the court below dismissing his application for exemption for personal appearance. It is submitted that the revision petitioner is living Ernakulam and that she is having a suckling child. It is further submitted that she is willing to deposit the cheque amount.

In the circumstances, the court below is directed to permit the petitioner to appear through the counsel. The revision petitioner is also directed to deposit the cheque amount in the court below. She is granted one month's time from today onwards to deposit the amount. The impugned order is set aside. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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